

**WILLIAM A. LITTLE ORAL HISTORY PROJECT**  
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**MICHAEL FOX**  
**UNITED CONSTRUCTION WORKERS ASSOCIATION ATTORNEY**

**INTERVIEWEE:** MICHAEL FOX

**INTERVIEWERS:** WILLIAM LITTLE

**SUBJECTS:** RACISM; DISCRIMINATION; DEPARTMENT OF JUSTICE; COURT ORDER; BUILDING TRADES; CENTRAL CONTRACTORS ASSOCIATION; HIRING HALL; BLACK CONSTRUCTION WORKERS; ELECTRICIANS; PLUMBERS; JOURNEYMAN; APPRENTICESHIPS; IRONWORKERS LOCAL 86; TYREE SCOTT; UNITED CONSTRUCTION WORKERS ASSOCIATION; DISCRIMINATION; DEMONSTRATIONS; HUGH HAFFER

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[00:00:00] **MICHAEL FOX:** ...the 1968 demonstrations and the 1969 demonstrations and the Justice Department coming out to Seattle and filing the case in October of 1969.

[00:00:09] **WILLIAM LITTLE:** I know some about it, but I don't know a lot about it in terms of how the Justice Department got involved. How or who laid the initial case. I heard that Lem Howell started the case and the Justice Department took over.

[00:00:23] **MICHAEL:** Did you hear that from Lem [Howell]?

[00:00:26] **WILLIAM:** No, I haven't talked to Lem yet, I haven't had time. I mean, he hasn't had time to see me.

[00:00:30] **MICHAEL:** There was an initial lawsuit called Central Contractors Association vs. [Ironworkers] Local 86. Central Contractors was a group of essentially Black small contractors, small businessmen who were going after the unions for employment discrimination. In the whole thing of course, Tyree [Scott] was involved with the Central Contractors outfit. There was an initial lawsuit filed by Lem against the unions because the unions were pulling people off the jobs when some Blacks would be dispatched, from outside the union hall.

In 1969 after the demonstrations really got heavy, the Justice Department basically came here through the pressure essentially. If there were any oral contacts, maybe there was some telephone contacts between Lem and the Justice Department, I don't know. Every construction project in Seattle basically was shut down, downtown Seattle because of the actions of UCWA [United Construction Workers Association]. It was on national news and it was getting a hell of a lot of press. When they pitched the bulldozers over the side of the University of Washington parking garage there, that was on CBS news and the situation in Seattle, and finally the Justice Department came out here with what amounted to a strike force of attorneys and FBI [Federal Bureau of Investigation] investigators. They went into the, they started to do a very, very thorough investigation of the mechanical trades and it resulted in the filing of the Local 86 lawsuit.

And from there, they were equipped because they had the whole Justice Department behind them, and had five or six attorneys in Seattle, for about six months. And then the case went to trial, and very quickly for a case of that magnitude, for about seven or eight months. And the government won. The first decrees were issued in June of 1970. There is a separate decree for each trade, and we will give you copies of all of these. Since 1970 this has been, you have read the [?old?] articles, to get a basic idea of what kind of relief was granted, how the judge set up his court ordering advisory committee administrative machinery to try and enforce it. The court order advisory committee was set up later and it became obvious that the administrator of this thing was going to be a full time job.

You know, one of the things that was, I think a problem, in the case of enforcement, was the continual change of personnel in the attorneys for the government. In 1970, 1972 the case was basically being run out of Washington, D.C. A guy named Joe Sealy, one of the original attorneys and Frank Petrovaola was the government's chief attorney of the case. Any time that anything would happen, Petrovaola would fly out from D.C., he had four or five other big cases going and it wasn't giving the full-time kind of attention that it needed. The government was not monitoring in any rigid way the manner in which the decree was being enforced.

In 1972, where it essentially boiled over, in the fact that a lot of the Blacks who had been taken into the trades were not working as many hours as they should have to be able to stay in the trades. Consequently the attrition of the Blacks was very high, because who wants to work eight or twenty hours a week? That is what a lot of them were working. So at that point we had more demonstrations, you probably heard about them in 1972.

You know about the demonstrations in 1972 and subsequent, basically at that point it was a question of enforcement, making sure that the Blacks that were taken into the trades weren't just body counts, that they were actually learning and receiving good training. It became more of a qualitative observation of the decrees rather than a quantitative way of looking at it. There could now be 50 Blacks in the trade, if they aren't doing anything it doesn't mean anything. That was a very important step throughout the hearings. In 1972 there were some, we got essentially the relief which we wanted from now on we are going to have a strict evaluation of the count of the hours per month worked by the Blacks as opposed to the whites, and so forth. Then if they were not equal there would be problems. Then we also got, you will be able to see it in the '72 decree, it was very

important at the time, if a Black apprentice was out of work for more than five days he was automatically referred to the UCWA for counseling, which essentially means, have him come over here and talk with Tyree, Harley Bird, Michael Woo, or someone else and find out why it is that the guy is unemployed. Is it because he is not going to class and learning the skills, is it because he is being screwed over by the dispatcher at the union hall, is it because he is not really interested in construction work, or what is the problem? Or is it because all the whites are getting calls by name?

The '72 motion that the hearings and the demonstrations really taught me a lot. I think the main thing was that they wouldn't have gotten anywhere near, take this whole case, without the demonstrations with very militant street action, I don't think we would have gotten anywhere near the court relief that was eventually obtained in the Local 86 case. I think that—first of all, it meant that the case was going to be filed, the case has now been filed thanks to the demonstrations by the government. I think that the continued demonstrations, which were not just a one afternoon type of thing, really demonstrated to the judge the depth of the feeling in the community that could not really be expressed in drawing technical testimony, the fact that Blacks had been excluded from these trades for twenty, thirty years.

And I don't know if you ever went back and looked at any of the newspapers from that time, during the demonstrations you can see our guys camped out on the courthouse lawn for three days in the rain during those hearings. That's fairly unusual. You don't generally find that kind of action, people are just out there in a visual type situation around the federal courthouse. I think that had an effect. Some of the judges would have handled it a lot differently. [William James] Lindberg was a very decent man and he did not get carried away with the speeches about attempting to pressure the judicial system and so forth.

[00:09:39] **WILLIAM:** So in other words, you think it worked only because Lindberg was a decent person and it wouldn't have worked if there was a judge who wasn't a decent person, it wouldn't have been effective? It would've been counter effective?

[00:09:51] **MICHAEL:** Well, I think they would have won that case anyway, the government would have won it. The proof was very good, I don't see any judge that would have ruled against it in that case. The fact that Lindberg was a little more understanding and less autocratic than a lot of federal judges. He did have a major impact on it in the really creative way that he set up the court ordered advisory committee, and let it be known that he was just not going to drop this case, he wasn't going to just say "OK, you guys win, now here is a decree." He set up a very complicated administrative mechanism to make sure the decrees were enforced. There have been continuing problems even with that, but the unions are starting to learn that they're never gonna get out from under this court order unless they comply with the decrees. So we have had some movement in some of the trades, especially with the electricians. But we do have a lot of rednecks that are still in control of the others. That is a problem.

I think the fact that Lindberg conceded—I mean these demonstrations went on day after day, for weeks, and I think that it demonstrated to Lindberg how strongly the people felt about the fact that the matters were at issue. Everything, I am not going to say that everything done has been right. Normally, if this case had been tried today, in 1975 I think people would be asking not just for court orders to put people to get them into the trades but for really mammoth financial damages from those unions, but courts just weren't doing that in the late sixties, and lawyers weren't asking that, they were just saying, "Get people to work." So now people are going for court orders and financial damages as well.

[00:12:26] **WILLIAM:** Okay, let me get back on some of the decrees. 1972 was the last one?

[00:12:30] **MICHAEL:** There have been some revisions, some consent decrees modifying the court orders since 1972. During 1973 and early 1974, there were some other consent decrees modifying the already existing decrees in some fairly minor ways, changing the apprenticeship program. The apprenticeship programs were essentially set up as special apprentices which basically meant Black apprentices and regular apprentices, there might have been some regular Black apprentices. Special apprentices were taken into a set of special entries: you didn't have to have a high school degree and you could be over the age—there were a number of other requirements that were waived.

They also had separate classes that were an attempt to give people the technical background very quickly, so they would be a two-year apprentice instead of a four-year apprenticeship program in some of the trades. After two years you could turn out as a journeyman. That worked in some cases, but most of the time it didn't work. The guys couldn't become two year journeymen unless they went to all those classes and really worked and stayed fairly steadily employed. If they didn't do that, then they were not going to be capable of being a journeyman after two years. After that, when you are a journeyman and working out of a construction union hall, you have to be able to cut the mustard or you are not going to get called. If you don't have journeyman skills, there is very little sense in turning out as a journeyman. The programs were extended to be three-year programs in most cases. In some cases they were changed initially from a four to a two-year program. The plumbers had a three-year apprentice program. The two-year apprentice programs were abandoned in 1973.

[00:14:55] **WILLIAM:** Okay, how about going back on some of the cases, I mean the complaints that individual members made against the various unions, in terms of types of treatment, et cetera, et cetera.

[00:15:07] **MICHAEL:** Now or in 1969?

[00:15:09] **WILLIAM:** Well, primarily in '69, and—Well, Scott was in 1969, and coming towards 1974 in terms of the magnitude.

[00:15:19] **MICHAEL:** In 1969 the problem was a lot different than it is today. The primary problem in 1969 was with the unions. The unions would just not take Blacks in. As a consequence, you had these unions—and this is all said in my opinion—there would be some unions with a membership of 1500 and no Blacks, or with maybe one or two Blacks. And you can't work in a town like this, which is a union construction town, you basically can't get work in those mechanical trades. You know, you can't get work as an ironworker, for example, unless you are in the union or work out of the hall. All that kind of construction is basically union, with very few exceptions. Plumbers, now you can get some non-union plumbing work, but it is not the type of construction, it's like home repair and shit like that, it's kind of piddling stuff. It is also not paid anywhere near as much as the stuff out of the hall. So if you want to get that work you have to work out of the hall, and there weren't any Blacks in those five trades, the operating engineers, you know the five. So there weren't any Blacks in those trades, so there weren't anybody working and the problem was the people would go to the employers and the employers would say "Look, we would like to hire you, but we can't hire you because you have to be dispatched by the union, we have a bargaining agreement with the union". And that was essentially correct. There were a lot of guys in town who had non-union experience and they were working in construction work, but they were not getting the pay or the benefits of any organized apprenticeship program. They just had to kind of get their training, and allow them to get their training in the service or something like that.

Nowadays the problems are we've got a good number of guys in the unions that were the largest trades, the five defendants, but there are still problems with guys not working as much. The trade does have broad unemployment. At the present time, it has been bad for the last three years. Even though, if you look over the quarterly reports, you will see that on occasion, it is better than it used to be, but some of the Black apprentices

aren't working as much as the white apprentices, and some of the Black journeymen aren't making as much as the white journeymen.

[00:17:58] **WILLIAM:** Let me ask you another question, how about the disposition that the Justice Department got from the various people who were party to the complaint, concerning the type of treatment they got on the job. Once the court forced people on the jobs, whether the Justice Department [?got it?] or not, but then once they were forced on the jobs, then the labor unions' people responded in very negative ways like putting them in sheds and keeping [inaudible], and dropping metal around them, and people had to take guns to the workplace to protect their lives.

[00:18:34] **MICHAEL:** Well, those incidents, I think frankly, were very few and far between, if you are talking about 1971 and 1972, there is very little of that going on now. We have a meeting this afternoon, well tomorrow, with some ironworkers who really got screwed over at this Rainer Bank site. They may be filing another lawsuit on it, I don't know.

But, I think the problems now are—I am looking at it just from what people tell me—I think the problems in 1971 and 1972 were more a problem of just neglect on the part of the employers and foremen than they were a problem of outright hostility and defiance, or just really harassing someone or subjecting them to safety problems. There were some of those incidents and they shouldn't be minimized, but in terms of the number of people who were working, there were very few people who got into a situation where someone tried to drop something on them. I have never found a good, dependable story on that. There were a lot of things, though, like you are an apprentice electrician and you have to learn to do a lot of wiring in a very short period of time, and what do they have you doing? You are sweeping the floor or they got you washing trucks. And who is doing the wiring? Some kid whose father might have been in the trade for awhile, and he knew a little something because his father and shown him and he was doing a lot of apprentice type wiring, and because you don't know nothing because you never had an opportunity to learn anything about electricity, you are washing trucks for maybe six or eight months. And it's made really clear to you that you are only there because of this court order. That type of thing happened a lot, you know, where you get Black apprentices who were dispatched and they were really—they were paid at the apprentice level—

[00:20:36] **WILLIAM:** But they were used as a subservient type?

[00:20:38] **MICHAEL:** Yeah, they were made into a helper function. A lot of jobs have a lot of material handling. You know, a big job, a guy will have to go around and distribute wiring, or bolts, or something to the workmen who are actually putting the material together. There were just many, many occasions throughout the apprenticeship programs that just showed that the guys were just not getting on the job training that you really need to become a qualified journeyman in a relatively short period of time. Most of it is on the job training. The classes, their importance is—well in some trades it is important, but in others it is not all that important. In electricity, I would think that it is probably more important than it is in plumbing or sheet metal or iron work, certainly. Iron work is not technically complicated. I suppose learning the principles behind welding is complicated, but basically it's not—it is a demanding physical job more than anything else.

So, the quality of the work experience was a very big problem in 1971 and 1972, the quality of the work experience for the trainees and the opportunity to acquire the skills. There was a hell of a lot of hostility towards the presence of these Black apprentices. They were referred to on many occasions as "Lindberg journeymen." That was the term that was used.

Did you hear about the white construction workers who marched down to Olympia to protest the action and things?

[00:22:39] **WILLIAM:** Yes, I knew about it but I haven't really found anything about that. I think I might interview St. Laurent at some point in the future.

[00:22:48] **MICHAEL:** Well, you'll have a good time doing that. He's on unemployment compensation now, I understand. You've got to talk to [Hugh] Hafer, too, he's the attorney for—

[00:23:04] **WILLIAM:** H-A-F-E-R?

[00:23:06] **MICHAEL:** H-A-F-E-R. Hafer, in my opinion, is just a little more polite racist than St. Laurent is. St. Laurent is a real trip. He might not even talk to you because you're Black, he is—Well, no, I don't think he'd do that, he'd probably—

[00:23:30] **WILLIAM:** Maybe I wish he had. [laughs]

[00:23:36] **MICHAEL:** St. Laurent is really something.

Hafer is—his whole theory is that the only problems, why the decrees have not been complied with is because these Black folks don't want work, don't want to get up in the morning. That is basically his line and he—the judge holds Hafer in extremely low esteem, not because some of his clients are such assholes, a lot of lawyers are burdened with it, but because the fact that Hafer himself has just done such a piss-poor job in serving his clients in this case. The case really should have been settled before it was tried. Those unions spent hundreds and hundreds of thousands of dollars on attorneys to fight this case, and it never should have been fought. With a little reflection and a little leadership from an attorney, like Duane Vance gave the operator, [beeping in background] they settled it, and they got a much better deal.